

# Form G

Commonwealth of Australia  
*Competition and Consumer Act 2010 — subsection 93 (1)*  
**NOTIFICATION OF EXCLUSIVE DEALING**

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with subsection 93 (1) of the *Competition and Consumer Act 2010*, of particulars of conduct or of proposed conduct of a kind referred to subsections 47 (2), (3), (4), (5), (6), (7), (8) or (9) of that Act in which the person giving notice engages or proposes to engage.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

## 1. Applicant

- (a) Name of person giving notice:  
(Refer to direction 2)

N99229 Reckitt Benckiser (Australia) Pty Ltd (**RB**)

- (b) Short description of business carried on by that person:  
(Refer to direction 3)

RB markets and sells fast moving consumer goods, including the Finish range of products.

- (c) Address in Australia for service of documents on that person:

RB, 44 Wharf Road, West Ryde, NSW 2114

## 2. Notified arrangement

- (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates:

This notice relates to the supply of:

- i. Marked packs of Finish Quantum Max Original 40's or Finish Max in 1 Lemon 48's (**Qualifying Products**); and
- ii. A promotion ending 31 Dec 2016 whereby purchasers of the Qualifying Product from any Woolworths stores in Australia has the opportunity to find a winning plastic golden Powerball tablet. The prize is \$10,000 AUD cash. There are 10 prizes to be won. (**Prize**)

- (b) Description of the conduct or proposed conduct:

Providing a promotion (with the ability to win a Prize) in which eligible customers who purchase a Qualifying Product from Woolworths, has the opportunity to find a winning plastic golden Powerball tablet, to claim a Prize.

Supplying the Qualifying Products for the promotion only to Woolworths.

The promotion will:

- i. will only be open to eligible customers that purchase the Qualifying Products at a Woolworths store, and
- ii. Will not be open to customers that do not purchase Qualifying Products, or purchases Qualifying Products from a retailer other than Woolworths.

Consumers are free to not purchase the Qualifying Products, or buy other Finish products from Woolworths or other retail stores. Consumers are also free not to redeem or take up the offer of the promotion.

Terms and conditions for the competition are accessible here:  
[http://www.finishsimplybrilliant.com/TnC\\_AU.pdf](http://www.finishsimplybrilliant.com/TnC_AU.pdf)

**3. Persons, or classes of persons, affected or likely to be affected by the notified conduct**

- (a) Class or classes of persons to which the conduct relates:  
*(Refer to direction 5)*

Consumers of Woolworth's stores that uses or may use auto-dishwashing products such as Finish and purchases Qualifying Products during the promotional period.

- (b) Number of those persons:

- (i) At present time:

Unknown. However, approximately 2.8m households purchase auto-dish washing products.

- (ii) Estimated within the next year:  
*(Refer to direction 6)*

Not applicable.

- (c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses:

Not applicable.

**4. Public benefit claims**

- (a) Arguments in support of notification:  
*(Refer to direction 7)*

The proposed conduct will benefit the public by:

- i. providing opportunity to win cash prizes by purchasing auto-dishwashing products; and
- ii. Encouraging competitors of RB and/or Woolworths to offer similar promotional deals to consumers, fostering competition and innovation in product offerings, promotions and benefits to consumers.

(b) Facts and evidence relied upon in support of these claims:

As above.

**5. Market definition**

Provide a description of the market(s) in which the goods or services described at 2 (a) are supplied or acquired and other affected markets including: significant suppliers and acquirers; substitutes available for the relevant goods or services; any restriction on the supply or acquisition of the relevant goods or services (for example geographic or legal restrictions):  
*(Refer to direction 8)*

- i. The market for the supply of auto-dishwashing products to supermarkets or retail stores in Australia.
- ii. The market for the supply of auto-dishwashing products to consumers in Australia.
- iii. The relevant market is highly competitive and commoditised. There are high price promotional periods and deep discounts offered by all suppliers in the auto-dishwashing products category across all supermarkets and retail stores in Australia.

**6. Public detriments**

- (a) Detriments to the public resulting or likely to result from the notification, in particular the likely effect of the notified conduct on the prices of the goods or services described at 2 (a) above and the prices of goods or services in other affected markets:  
*(Refer to direction 9)*

The proposed conduct will not result in any public detriment in any relevant market because:

- i. the promotion only runs until 31 Dec 2016;
- ii. it does not affect RB's competitors ability to supply competing auto-dishwashing products to Woolworths, other supermarkets or retail stores;
- iii. competitors of RB can engage in other or similar promotions with Woolworths, other supermarkets or retail stores;
- iv. consumers are free to purchase other auto-dishwashing products not supplied by RB or by Woolworths; and
- v. consumers are free not to participate in the promotion.

- (b) Facts and evidence relevant to these detriments:

As above.

**7. Further information**

- (a) Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:

Angela Lin

Legal Director


Reckitt Benckiser (Australia) Pty Ltd

44 Wharf Road

West Ryde NSW 2114

Dated 29 July 2016

Signed by/on behalf of the applicant

  
.....  
(Signature)

ANGELA LIN  
.....  
(Full Name)

RB (Australia) Pty Ltd  
.....  
(Organisation)

Legal Director  
.....  
(Position in Organisation)

## DIRECTIONS

1. In lodging this form, applicants must include all information, including supporting evidence that they wish the Commission to take into account in assessing their notification.

Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.

2. If the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1 (a), not the name of the person signing the notice, and the notice is to be signed by a person authorised by the corporation to do so.
3. Describe that part of the business of the person giving the notice in the course of the which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in section 47 of the *Competition and Consumer Act 2010* have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. Describe the business or consumers likely to be affected by the conduct.
6. State an estimate of the highest number of persons with whom the entity giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.
7. Provide details of those public benefits claimed to result or to be likely to result from the proposed conduct including quantification of those benefits where possible.
8. Provide details of the market(s) likely to be affected by the notified conduct, in particular having regard to goods or services that may be substitutes for the good or service that is the subject matter of the notification.
9. Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.